

Response

Applicant: John A. Krueger

Serial No.: 10/037,795

Filed: January 3, 2002

Docket No.: SPEC – 6137

Title: BONE MARROW ASPIRATION DEVICE WITH CURVED TIP

REMARKS

This is responsive to the Final Office Action mailed January 24, 2006. In that Office Action, claims 6-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krueger et al., U.S. Patent No. 6,478,751 ("Krueger") in view of Pyles, U.S. Patent No. 5,669,882 ("Pyles"). For at least the reasons below, the rejection is traversed.

Applicant respectfully maintains the position that Pyles is non-analogous art. In addition, it is respectfully submitted that Krueger qualifies as prior art to the pending application only under 35 U.S.C. §102(e). With this in mind, reference is made to the concurrently filed Statement of Michael Steffensmeier, an attorney of record for the above application. By this Statement, the pending Application Serial No. 10/037,795 and cited reference Krueger were, at the time the invention of Application Serial No. 10/037,795 was made, owned by, or subject to an obligation of assignment to, the same organization. Thus, pursuant to 35 U.S.C. §103(c), Krueger cannot be employed in formulating an obviousness rejection of the pending claims.

In light of the above, it is respectfully submitted that the rejection of claims 6-14 has been traversed and that the claims are in a condition for allowance. Notice to that effect is respectfully requested.

No fees are required under 37 CFR 1.16. However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

Any inquiry regarding this Response should be directed to Timothy A. Czaja at the below listed telephone number. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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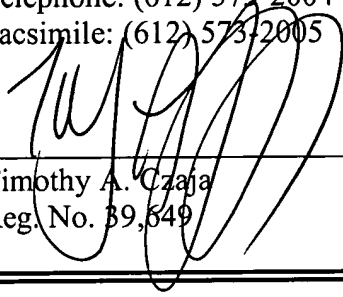
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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail in an envelope address to: Mail Stop RCE/Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of July, 2006.

By: 

Name: Timothy A. Czaja